

WEDNESDAY, MARCH 22, 1995

TWENTY-THIRD LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Jim Bill McInteer, West End Church of Christ, Nashville, Tennessee.

Representative Halteman Harwell led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 96

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Venable; business reasons.

Representative Kent; family illness.

Representative Garrett; illness.

COMMUNICATION

The Honorable Mike Kernell
Government Operations Committee
38 Legislative Plaza
Nashville, Tennessee 37243

Dear Chairman Kernell:

In accordance with specific provisions of Title 4 of the Tennessee Code, I am referring House Bill 1474 to the Government Operations

Committee for review. The Government Operations Committee shall review this legislation in the manner required by the law and make a recommendation to the House Health and Human Resources Committee. Thank you for your attention to this matter.

Speaker Jimmy Naifeh

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 144: Rep(s). Curtiss, McDaniel, Bittle, Buck, Davidson, Rhinehart, Callicott, Head, Halteman Harwell, McDonald and Stamps as prime sponsor(s).

House Bill No. 967: Rep(s). Bittle as prime sponsor(s).

**REPORT OF CHIEF ENGROSSING CLERK
March 21, 1995**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 297, 491 and 1189; also, House Joint Resolution(s) No(s). 113, 116, 134, 136, 137, 138, 139, 140, 142, 145, 146, 148, 154 and 155.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
March 21, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 551, 760, 902, 991, 1526 and 1626; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 551** -- Hospitals and Health Care Facilities - Prohibits state or MCOs from discriminating against hospital because not accredited by Joint Commission on Accreditation of Healthcare Organizations. Amends TCA Section 71-5-105. by *Cooper.

***Senate Bill No. 760** -- Architects and Engineers -- Creates positions of associate engineer members to assist board of architects, engineers, landscape architects, and interior designers. Amends TCA Section 62-2-201. by *Haynes.

***Senate Bill No. 902** -- Nurses, Nursing -- Establishes level of privileged communications between registered psychiatric nurse and patient. Amends TCA Title 63, Chapter 7, Part 1. by *Person, *Holcomb, *Crowe.

***Senate Bill No. 991** -- Financial Disclosure -- Prohibits fundraising after the election to pay off a candidate's campaign debts; prospective application only. Amends TCA Title 2, Chapter 10. by *Wilder.

WEDNESDAY, MARCH 22, 1995 -- TWENTY- THIRD LEGISLATIVE DAY

*Senate Bill No. 1526 -- Inheritance Laws -- Clarifies rights of individuals conceived by in vitro fertilization. by *Wilder.

*Senate Bill No. 1626 -- Criminal Offenses -- Requires person convicted of cemetery vandalism to make full restitution for damages resulting from such offense: such order of restitution to be in addition to other criminal penalties imposed for such offense. Amends TCA Section 46-2-105. by *Wright.

MESSAGE FROM THE SENATE
March 21, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 98, 103 and 105; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 98 -- Memorials, Retirement -- Charles Franklin Holmes. by *Kyle, *Dixon.

Senate Joint Resolution No. 103 -- Memorials, Congratulations - Tennessee School for the Deaf, Sesquicentennial Anniversary. by *Atchley, *Gilbert, *McNally, *Wilder, *Kyle, *Burks.

Senate Joint Resolution No. 105 -- Memorials, Retirement -- Donald Daugherty, Sr. by *O'Brien.

MESSAGE FROM THE SENATE
March 21, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 94, 95 and 96; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.
MESSAGE FROM THE SENATE
March 21, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 148, 671, 982, 1699, 1700, 1701 and 1823; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS
March 21, 1995

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 147, 153, 160 and 169.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
March 21, 1995

The Speaker signed the following: House Joint Resolution(s) No(s). 147, 153, 160 and 169.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

PERSONAL ORDERS

RECOGNITION

On motion of Rep. Brown, the rules were suspended so that the Chattanooga State Technical Community School of Nursing Faculty could be escorted to the Well for recognition. The Clerk read House Joint Resolution 153 which was previously adopted on March 15, 1995.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 167** -- Naming and Designating -- Wyatt Prunty, Poet Laureate of Tennessee. by *Robinson.

State and Local Government Committee

***House Joint Resolution No. 171** -- Memorials, Government Officials -- Urges governor to use portion of Rainy Day Fund to provide funding for hospitals which provide disproportionate amount of care to indigent patients. by *Jones R (Shelby).

Finance, Ways and Means Committee

***House Joint Resolution No. 172** -- General Assembly, Studies -- Creates special joint committee to study feasibility of establishing state incentive system to encourage law enforcement agencies to seek international accreditation. by *Odom.

State and Local Government Committee

House Joint Resolution No. 173 -- Naming and Designating -- "Shriners' Week in Tennessee," May 15-20, 1995. by *Westmoreland.

State and Local Government Committee

House Joint Resolution No. 176 -- Naming and Designating -- "Juanita Holloway Day," April 1, 1995. by *Brown.

Calendar and Rules Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 23, 1995:

House Resolution No. 33 -- Memorials, Death -- Ethel Sharp Woodson. by *Williams (Union).

House Resolution No. 34 -- Memorials, Death -- Thomas L. Walker. by *Williams(Union).

House Resolution No. 35 -- Memorials, Personal Achievement --
Eric Todd Sefton, Eagle Scout. by *Byrd.

House Joint Resolution No. 174 -- Memorials, Recognition and
Thanks -- Memphis Branch, NAACP Freedom Fund Gala. by *Bowers, *Jones
R (Shelby), *Towns, *Miller, *Brooks, *Turner (Shelby), *DeBerry J,
*Jones U (Shelby), *Haley, *Kernell, *Joyce, *Chumney, *DeBerry L.

House Joint Resolution No. 175 -- Memorials, Academic
Achievement -- Amqui Elementary School, Redbook magazine's one of best
elementary schools in nation. by *Robinson.

House Joint Resolution No. 177 -- Memorials, Sports --
Adamsville High school boys' basketball team, TSSAA class A state
runner-up. by *Rinks.

House Joint Resolution No. 178 -- Memorials, Congratulations --
Tennessee Kappa Chapter of Sigma Phi Epsilon Fraternity at UT-Martin
upon presentation of charter. by *Williams (Williamson), *Herron.

House Joint Resolution No. 179 -- Naming and Designating --
"Martin Methodist College 'Lady Indians' Appreciation Week," March 21-
26, 1995. by *Fowlkes.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted
as being placed on the Consent Calendar for March 23, 1995:

Senate Joint Resolution No. 98 -- Memorials, Retirement --
Charles Franklin Holmes. by *Kyle, *Dixon.

Senate Joint Resolution No. 103 -- Memorials, Congratulations -
- Tennessee School for the Deaf, Sesquicentennial Anniversary. by
*Atchley, *Gilbert, *McNally, *Wilder, *Kyle, *Burks.

Senate Joint Resolution No. 105 -- Memorials, Retirement --
Donald Daugherty, Sr. by *O'Brien.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the
House, were held on the Clerk's desk pending third consideration of
the companion House Bill:

***Senate Bill No. 551** -- Hospitals and Health Care Facilities --
Prohibits state or MCOs from discriminating against hospital because
not accredited by Joint Commission on Accreditation of Healthcare
Organizations. Amends TCA Section 71-5-105. by *Cooper.

***Senate Bill No. 760** -- Architects and Engineers -- Creates
positions of associate engineer members to assist board of architects,
engineers, landscape architects, and interior designers. Amends TCA
Section 62-2-201. by *Haynes.

***Senate Bill No. 902** -- Nurses, Nursing -- Establishes level of
privileged communications between registered psychiatric nurse and

patient. Amends TCA Title 63, Chapter 7, Part 1. by *Person, *Holcomb, *Crowe.

***Senate Bill No. 991** -- Financial Disclosure -- Prohibits fundraising after the election to pay off a candidate's campaign debts; prospective application only. Amends TCA Title 2, Chapter 10. by *Wilder.

***Senate Bill No. 1526** -- Inheritance Laws -- Clarifies rights of individuals conceived by in vitro fertilization. by *Wilder.

***Senate Bill No. 1626** -- Criminal Offenses -- Requires person convicted of cemetery vandalism to make full restitution for damages resulting from such offense: such order of restitution to be in addition to other criminal penalties imposed for such offense. Amends TCA Section 46-2-105. by *Wright.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1849 -- Tullahoma -- Local Bill Held on House Desk

House Bill No. 1850 -- Oneida -- Local Bill Held on House Desk

House Bill No. 1851 -- Dekalb County -- Local Bill Held on House Desk

Pursuant to **Rule No. 47**, the following Caption Bill(s) held on the Clerk's Desk were referred to the following Committee(s):

House Bill No. 1085 -- Cemeteries -- House Commerce Committee

House Bill No. 1217 -- Insurance, Health, Accident -- House Commerce Committee

House Bill No. 1218 -- Insurance, Health, Accident -- House Commerce Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 21, 1995** reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **March 23, 1995**: House Bill(s) No(s). 787, 1284, 1118, 1451, 17, 1295, 173, 1323, 278, 1244, 1739 and 953; also House Joint Resolution(s) No(s). 97 and 106.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 23, 1995**: House Joint Resolution(s) No(s). 120.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 27, 1995**: House Bill(s) No(s). 1635, 1138, 1560, 951, 1366; also Senate Joint Resolution(s) No(s) 18.

AGRICULTURE

The Agriculture Committee recommended for passage: House Bill(s) No(s). 584 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 1544; also House Bill(s) No(s). 971 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage House Bill(s) No(s). 1261 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 1790 and 1539; also House Bill(s) No(s). 949, 1496 and 1495 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 296, 1651, 282, 1412 and 1401 and House Joint Resolution(s) No(s). 114; also House Bill(s) No(s). 1701 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 422, 427 and 469. Under the rules, each was transmitted to the Calendar and Rules Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 1320 and 856 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 1487, 960, 1231, 1158, 925, 328, 1351, 1192, 1201, 989, 934 and 74 and House Joint Resolution(s) No(s). 133; also House Bill(s) No(s). 1081, 888, 315, 1134 and 1175 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 511; also House Bill(s) No(s). 1625 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 22, 1995** reported the following:

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 1314 and 570 and House Joint Resolution(s) No(s). 78; also House Bill(s) No(s). 1336 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

JUDICIARY

The Judiciary Committee recommended that the following be referred to the Finance, Ways and Means Committee, pursuant to **Rule No. 72**: House Bill(s) No(s). 199 with amendments.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 75, 930 and 974; House Resolution(s) No(s). 15; also House Bill(s) No(s). 643 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 783 and 389 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSENT CALENDAR

House Resolution No. 29 -- Memorials, Personal Occasion--Iva Lee Seaton Byrd; 90th Birthday. by *Patton.

House Joint Resolution No. 168 -- Memorials, Recognition and Thanks--Savannah Junior Auxiliary. by *Rinks.

House Joint Resolution No. 170 -- Memorials, Recognition and Thanks--94th Annual Militaire Beautillion. by *Jones R (Shelby).

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	95
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck,

Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Shirley -- 1.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Joint Resolution No. 144 -- Naming and Designating -- World War II veterans on 50th anniversary of conclusion of war; designates 1995, "World War II Veterans Appreciation Year." by *Walley, *Naifeh, *Phillips, *Williams (Union), *Bell.

Rep. Walley moved that House Joint Resolution No. 144 be adopted.

Rep. Walley moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 144 by adding the following resolving clause at the end of the resolution:

BE IT FURTHER RESOLVED, That we hereby proclaim May 1, 1995, as World War II Veterans Appreciation Day and we encourage all Tennesseans to honor these heroes at a special ceremony to be held on that day at 3:00 p.m. on the War Memorial Plaza across the street from the State Capitol.

On motion, Amendment No. 1 was adopted.

Rep. Walley moved that **House Joint Resolution No. 144**, as amended, be adopted and that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes..... 96
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom,

Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Joint Resolution No. 131 -- Memorials, Public Service -- Senator Edward Davis. by *Bowers, *Brooks, *Jones, *Chumney, *DeBerry L, *Towns, *DeBerry J, *Miller, *Kernell, *Kent, *Joyce, *Hassell, *Haley, *Byrd, *Turner (Shelby), *Jones U (Shelby), *Shirley, *Armstrong.

Further consideration of House Joint Resolution No. 131, previously considered on March 6, 1995 and March 8, 1995, and then reset for today's Calendar.

Rep. Bowers moved that **House Joint Resolution No. 131** be adopted, which motion prevailed by the following vote:

Ayes.....	95
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 83 -- Motor Vehicles, Titling and Registration - Permits alumnus of Auburn University to purchase special license plate displaying Auburn logo and colors. Amends TCA Title 55, Chapter 4. by *Eckles (*SB52 by *Womack).

Further consideration of House Bill No. 83 previously considered on March 6, 1995, and March 8, 1995, and reset for today's Calendar.

Rep. Head moved that House Bill No. 83 be reset to the Calendar for April 12, 1995, which motion prevailed.

***Senate Bill No. 1521** -- Marriage -- Authorizes former governors and speakers of house of representatives and senate to solemnize marriages. Amends TCA Section 36-3-301. by *O'Brien(HB1372

by *Purcell, *Ridgeway, *Hargrove, *Rinks, *Chumney, *Bittle, *McDaniel, *Rhinehart.

Further consideration of Senate Bill No. 1521, previously considered on March 15, 1995, at which time House Bill 1372 was substituted for Senate Bill No. 1521 and reset for today's Calendar.

Rep. Purcell moved that Senate Bill No. 1521 be passed on third and final consideration.

Rep. Purcell moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1521 by deleting the words " and former governors of the state" in the amendatory language of Section 1, as introduced.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **Senate Bill No. 1521**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes..... 3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Cantrell, Dunn, Shirley -- 3.

A motion to reconsider was tabled.

House Bill No. 174 -- Motor Vehicles, Titling and Registration -- Allows for issuance of special license plates depicting Tennessee walking horse Amends TCA Title 55, Chapter 4. by *Fowlkes, *Cole(Dyer), *Phelan, *Callicott (*SB49 by *Womack, *Kyle).

Further consideration of House Bill No. 174, previously considered on March 13, 1995, and March 15, 1995, and reset for today's Calendar.

On motion, House Bill No. 174 was made to conform with **Senate Bill No. 49**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 49 be passed on third and final consideration.

Rep. Head moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 49 by deleting the following language from Section 3:

() Notwithstanding any provision of law to the contrary, the additional revenues generated by the additional twenty-five dollar (\$25.00) fee for the personalization of any license plate authorized by this section shall be allocated as provided in § 55-4-307.

On motion, Amendment No. 1 was adopted.

Rep. Jones U (Shelby) moved adoption of Amendment No. 2, which he then immediately withdrew.

Rep. Fowlkes moved that **Senate Bill No. 49**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1305 -- Motor Vehicles, Titling and Registration -- Authorizes issuance of special license plates for graduates of Arkansas State University. Amends TCA Title 55, Chapter 4. by *Hassell (*SB1561 by *Kyle).

Further consideration of House Bill No. 1305, previously considered on March 15, 1995, and reset for today's Calendar.

Rep. Hassell moved that House Bill No. 1305 be reset to the Calendar for April 12, 1995, which motion prevailed.

***House Bill No. 665** -- Claims Commission, Tennessee -- Requires claims commissioners to issue findings of fact and/or opinions of law within 120 days of hearing claim. Amends TCA Title 9, Chapter 8. by *Ritchie (SB1207 by *Haun).

Further consideration of House Bill No. 665, previously considered on March 15, 1995, and reset for today's Calendar.

Rep. Ritchie moved that House Bill No. 665 be reset to the Calendar for April 19, 1995, which motion prevailed.

***House Bill No 42** -- Real Property -- Expands present procedures for disposing of property acquired through eminent domain by department of transportation for rights of way, to include property acquired in any manner. Amends TCA Section 29-17-1203. by *Stulce, *Williams (Williamson), *Rigsby, *Lewis, *Pinion, *Boyer (SB139 by *Crutchfield).

Further consideration of House Bill No. 42, previously considered on March 20, 1995, at which time it was objected to the Consent Calendar and reset for today's Calendar.

Rep. Stulce moved that **House Bill No. 42** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 967 -- Taxes, Sales -- Treats as part of boat unit for calculating single article under local option sales tax, boat motors and other parts or accessories for boats, excluding trailers. Amends TCA Section 67-6-702(d). by *Rinks, *Kisber, *Bragg, *Purcell, *West, *Head, *Turner (Hamilton) (*SB1448 by *Rochelle).

Further consideration of House Bill No. 967, previously considered on March 20, 1995, and reset for today's Calendar.

Rep. Rinks moved that **House Bill No. 967** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94
 Noes..... 0
 Present and not voting..... 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brooks, Newton -- 2.

A motion to reconsider was tabled.

House Bill No. 163 -- Firefighters -- Adds chief of any private or volunteer fire department authorized by legislative body of county to those persons who can act as advisor on fire safety matters to commissioner of commerce and insurance. Amends TCA Section 68-102-108. by *Stulce (*SB200 by *Crutchfield).

Further consideration of **House Bill No. 163**, previously considered on March 20, 1995, and reset for today's Calendar.

On motion, **House Bill No. 163** was made to conform with **Senate Bill No. 200**; the Senate Bill was substituted for the House Bill.

Rep. Stulce moved that **Senate Bill No. 200** be passed on third and final consideration.

Rep. Stulce moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Stulce moved that **Senate Bill No. 200** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96
 Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom,

Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 321** -- Animals -- Expands present law creating Class C misdemeanor to place poisonous substance causing death or injury to animals on property of another; if person knowingly places matter to lure or entice domestic animal to consume substance, action is Class C misdemeanor notwithstanding on whose property substance is placed. TCA 704-125. by *Windle (SB1444 by *Fowler).

Further consideration of House Bill No. 321, previously considered on March 20, 1995, and reset for today's Calendar.

Rep. Windle moved that House Bill No. 321 be reset to the Calendar for March 29, 1995, which motion prevailed.

House Bill No. 849 -- Penal and Reformatory Institutions -- Requires superintendent, director or warden of prison, jail or workhouse to inform employees who come in contact or physically interact with or are at risk for potential exposure to inmates known to have infectious diseases; information is confidential and does not authorize release of information to public. Amends TCA Title 41, Chapter 51, Part 1. by *Windle (*SB757 by *Elsea).

Further consideration of House Bill No. 849, previously considered on March 20, 1995, and reset for today's Calendar.

Rep. Windle moved that House Bill No. 849 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Windle moved that **House Bill No. 849** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	92
Noes.....	1
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kernell, Kerr, Kisher, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, White, Whitson, Williams

(Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Coffey -- 1.

Representatives present and not voting were: Bowers -- 1.

A motion to reconsider was tabled.

***House Bill No. 103** -- Game and Fish Laws -- Allows mentally retarded persons receiving social security benefits to acquire sport fishing license without paying fee. Amends TCA 70-2-104. by *Windle (SB392 by *Burks).

Further consideration of House Bill No. 103, previously considered on March 20, 1995, and reset for today's Calendar.

Rep. Windle moved that House Bill No. 103 be reset to the Calendar for March 29, 1995, which motion prevailed.

***Senate Bill No. 170** -- County Government -- Authorizes county legislative body to rescind enactment of severance tax by resolution adopted by majority of its members Amends TCA 67-7-201. by *Womack (HB364 by *Robinson, *Cole(Dyer), *Fowlkes).

Further consideration of Senate Bill No. 170, previously considered on March 20, 1995, at which time House Bill No. 364 was substituted for Senate Bill No. 170 and reset for today's Calendar.

Rep. Robinson moved that Senate Bill No. 170 be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State and Local Government Committee Amendment No. 1.

On motion, Rep. Jones R (Shelby) withdrew State and Local Government Committee Amendment No. 2.

Rep. Robinson moved that **Senate Bill No. 170** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton),

Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Ritchie, **House Bill No. 311** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Ritchie, **House Bill No. 666** was recalled from the State and Local Government Committee and withdrawn from the House.

ANNOUNCEMENTS

APPOINTMENTS TO SELECT COMMITTEES

Speaker Naifeh appointed the following members to the Corrections Oversight Committee: Representatives Pinion, McAfee and Langster.

Speaker Naifeh appointed the following member to the Children and Youth Committee: Representative Walley.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 560: Rep(s). Cantrell as prime sponsor(s).

House Bill No. 1087: Rep(s). Haley as prime sponsor(s).

House Bill No. 1113: Rep(s). Patton as prime sponsor(s).

House Bill No. 1215: Rep(s). Fitzhugh as prime sponsor(s).

House Bill No. 1726: Rep(s). West as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Stamps was/were removed as sponsor(s) of **House Bill No. 1243**.

On motion, Rep(s). Rinks was/were removed as sponsor(s) of **House Bill No. 1719**.

SIGNED

March 22, 1995

The Speaker signed the following: Senate Bill(s) No(s). 148, 671, 982, 1699, 1700, 1701 and 1823; also, Senate Joint Resolution(s) No(s). 94, 95, and 96.

MESSAGE FROM THE GOVERNOR
March 22, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 153, 225, 287, 357, 620, 1131, 1353, 1573, 1587, 1604, 1826 and 1828; also, House Joint Resolution(s) No(s). 117, 118, 119, 123, 127 and 130; with his approval.

HARDY MAYS, Counsel to the Governor.

ENGROSSED BILLS
March 22, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 42, 849 and 967; also, House Joint Resolution(s) No(s). 131, 144, 168 and 170.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 22, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 144; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 22, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 366 and 497; both substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 22, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 147, 153, 160 and 169; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 22, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 82, 446, 758, 779, 1184, 1314 and 1630; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 82 -- Noise Pollution -- Excludes sports shooting range operators and users of such ranges from civil liability or criminal prosecution relative to noise pollution in certain cases. Amends TCA Title 39. by *Henry, *Kyle, *Miller.**

***Senate Bill No. 446** -- Children, Employment of -- Deletes requirements that employee or minor must have 30 minute unpaid rest break or meal period if scheduled to work six hours consecutively. Amends TCA Section 50-2-103(d) and Section 50-5-115. by *Koella, *Miller.

***Senate Bill No. 758** -- Architects and Engineers -- Authorizes board of architects, engineers, landscape engineers, and interior designers to promulgate rules relative to continuing education requirements. Amends TCA Section 62-2-203. by *Haynes.

***Senate Bill No. 779** -- Administrative Procedure -- Clarifies that when effectiveness of rules are suspended by action of general assembly, prior rules will remain in effect. Amends TCA Titles 2 through Title 71. by *Haynes.

***Senate Bill No. 1184** -- Nurses, Nursing -- Permits nurse practitioners under supervision of osteopathic physicians to prescribe medication. Amends TCA 53-10-104(a)(1), 53-10-105(b)(2); 63-1-132(c); 63-10-101(7), 201(c)(2). by *Miller.

***Senate Bill No. 1314** -- Safety -- Restricts exemption of open air facilities where portable facilities can be located to those existing prior to July 1, 1985 under Tennessee Equitable Restrooms Act. Amends TCA Title 68, Chapter 120, Part 5. by *Cohen.

***Senate Bill No. 1630** -- Hazardous Materials -- Redefines "commercial facility" for storage and treatment of hazardous waste to exclude facilities which receive mixed hazardous waste pursuant to order or agreement with commissioner of environment and conservation or solid waste disposal control board. Amends TCA Section 68-212-104. by *Haun, *McNally.

ROLL CALL

The roll call was taken with the following results:

Present..... 95

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wingham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

Rep. Purcell moved that the House stand in recess, pursuant to House Joint Resolution No. 154, to meet with the Senate in Joint Convention and for the State of the Judiciary Address by the Chief

WEDNESDAY, MARCH 22, 1995 -- TWENTY- THIRD LEGISLATIVE DAY

Justice of the Supreme Court, after which the House recessed until 9:00 a.m., Thursday, March 23, 1995, which motion prevailed.